



CITY COUNCIL AGENDA REPORT

MEETING DATE: OCTOBER 7, 2008

ITEM NUMBER: VII-1

SUBJECT: CODE AMENDMENT CO-08-001 AMENDING TITLES 13 AND 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING OFF-STREET PARKING AND FRONT YARD COVERAGE REQUIREMENTS IN RESIDENTIAL ZONES

DATE: SEPTEMBER 18, 2008

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MINOO ASHABI, SENIOR PLANNER
DONALD LAMM, DEV. SVS. DIRECTOR

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, SENIOR PLANNER
(714) 754-5610

RECOMMENDATION

Pursuant to Planning Commission's recommendation, give first reading to an Ordinance amending Title 13 (Zoning Code) and Title 20 (Property Maintenance Code). Code amendments involve off-street parking regulations and related provisions.

BACKGROUND

Purpose of Code Amendment CO-08-001

The proposed Ordinance will accomplish two primary objectives:

1. New Ordinance will require one more garage space for large homes of 5 bedrooms or more. Current Zoning Code does not require additional parking for five-bedroom homes. The proposed Ordinance requires a three-car garage for newly-created five-bedroom homes (i.e. new construction and additions to existing homes resulting in five bedrooms or more).
2. New Ordinance will specify acceptable vehicle parking configurations on residential driveways AND strictly prohibit vehicle parking in the front yard outside of the driveway area. Current Property Maintenance Code does not clearly specify what is considered "appropriate" vehicle parking on a residential driveway. RVs are being parked on a short driveway, at an angle, or overhanging onto the sidewalk. Concrete pads are created to serve as extended driveways in the front yard for RV or additional vehicle parking. Implementation of the Code amendment would require removal of ***all future and existing*** odd parking configurations (i.e. on extended driveway surface) in the front yard.

Summary of Public Hearings

This item was continued from September 16, 2008 City-Council meeting. This Zoning Code amendment was initiated by the Planning Commission. The Commission has been concerned about limited parking in residential neighborhoods, and parking impacts created by large homes (five bedrooms or more). The Commission held two public hearings and considered several alternatives to amend the off-street parking standards for larger single family homes.

On August 25, 2008, the Commission recommended a Zoning Code amendment that would; 1) require one additional garage space, for a total of three garage spaces, for homes with five or more bedrooms in the single-family (R1) zoning district; 2) allow a tandem garage parking space to satisfy the additional parking requirement; and 3) establish maximum front yard coverage standards for paved areas in all residential zones.

In addition, Commission recommended amending Property Maintenance Code (Title 20) regulations to specify acceptable vehicle parking configurations on residential driveways.

ANALYSIS

ZONING CODE AMENDMENT

1) *New Three-car Garage Requirement*

- Three car garage will be required (Two-car garage currently required, Three-car garage proposed). The Code amendment would require one additional garage space for a total of five parking spaces for single family homes or additions to existing homes that result in five or more bedrooms. *(Two-car garage currently required, three-car garage proposed).*
- Applicability. Projects that have obtained planning approval prior to adoption date of this Ordinance are not subject to the new regulations. The new Ordinance is applicable when **all** of the following conditions are met:
 - Applies to new construction of single-family homes of five bedrooms or more in the R1 zone and small-lot, detached, common-interest developments of five bedrooms or more. The three-car garage requirement (and related provisions) only applies to single-family detached homes and not to townhomes or apartments; **AND**
 - Applies to only "newly constructed" five-bedroom homes, consisting of brand new homes or existing homes which are increased in size to five bedrooms or more. Ordinance does not apply to existing five-bedroom homes which are remodeled without changing the existing bedroom count.

- Deviations. Deviations from this standard would be subject to approval of a variance and specific variance findings by the Planning Commission. This process would allow Commission to review variance requests on a case-by-case basis.

For definitions related to this amendment related to Chapter I, Section 13-6, Definitions, refer to Section 1(a) of the attached Ordinance.

2) New Tandem Garage Provision

- Tandem garages are proposed to be allowed (No tandem garage parking currently allowed; tandem garage proposed). The Code amendment would allow construction of a tandem garage to meet the additional parking requirement for a three-car garage. The Code amendment allows tandem garage parking (one parking space in front of another parking space) within a garage. This configuration is prohibited in the current Zoning Code.

3) Front Yard Coverage Standard

- The proposed code amendment would address concerns regarding driveways and paved areas dominating the front yards (No front yard coverage standard in current Code; maximum 50% front yard coverage proposed). The Code amendment will establish a standard for maximum front yard coverage to ensure that paved areas are limited within the front yards and adequate landscaped areas are maintained. The code amendment would require that at least 50 percent of front yards are landscaped. The front yard is considered a 20 foot depth along the width of property.
- Applicability. This provision would be applicable to all single family residential properties with exception of cul-de-sac lots. This requirement applies to new residences and existing residences requiring a building permit for an addition of any size.
- Deviations. Property owners could request up to 10 percent deviation from this standard by requesting a minor modification to be considered by Planning Department. Deviations of more than 10 percent would be considered by the Planning Commission with submittal of a variance request.

For definitions related to this amendment related to Chapter V, Table 13-32, Residential Development Standards refer to Section 1(d) of the attached Ordinance.

PROPERTY MAINTENANCE CODE AMENDMENT

The Planning Commission requested that specific provisions be included in Property Maintenance Code (Title 20) related to storing/parking vehicles on residential driveways. The Code amendment involves the following:

- Addresses existing problems with odd vehicle parking configurations on a residential driveway. Code amendment specifies that vehicles can only be parked at a 90 degree angle on a straight-in driveway leading to the garage. (This does not apply to curvilinear driveways). Current Code does not specify direction and

location of parked vehicles on driveways. There are instances in the City where residents with substandard-length driveways or over-sized vehicles (RVs, etc.) are parking perpendicular or at an angle in the driveway to avoid overhanging onto the public sidewalk. In addition, concrete pads are created to serve as extended driveways in front yards for RV or additional vehicle parking. Commission believes that parking in this manner further limits use of garage spaces and promotes on-street parking. Attachment 1 includes photo examples of current conditions.

- *Specifies that vehicles on driveways must be parked in line with vehicle access to the garage.* Code amendment indicates that vehicles cannot be parked outside the driveway area within the front setback or overhang the public sidewalk. Any other areas in the front setback and outside of the individual driveway, including other paved areas near or contiguous to the driveway, shall not be used for vehicle parking purposes.
- *Eliminates existing AND future "odd" parking configurations on residential driveways.* The parking configurations in the front yard not only create an undesirable appearance in neighborhoods but also limit regular use of the garage for vehicle parking.
- *Applicability.* This provision would be applicable to all residential properties upon adoption. Vehicles parked in conflict with this requirement would need to be relocated on-site or moved to an off-site storage location if the requirement could not be met due to the lot configuration. The enforcement proceeding would be retroactive and subject to the abatement procedures as described in Title 20, Section 20-12.

For recommended amendments to Title 20, please refer to Section 1(e) of the Ordinance attached.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 9b) (30 (general rule) of the CEQA Guidelines.

ALTERNATIVES

City Council may consider the following alternatives:

1. Give first reading to the Ordinance as recommended by Planning Commission.
2. Give first reading to the Ordinance, with any modifications.
3. Retain the City's existing zoning provisions and receive and file the report. Ordinance

LEGAL REVIEW

The City Attorney's office has approved the Ordinance as to form.

CONCLUSION

If approved, the Ordinance will amend Titles 13 and 20 of the Costa Mesa Municipal Code with respect to off-street parking standards for single-family residences with five or more bedrooms (new construction and additions). The new parking provision is not retroactive. The provisions only apply to future, newly-constructed residences; therefore, existing five-bedroom homes are considered legal nonconforming with regard to the three car garage and related requirements.

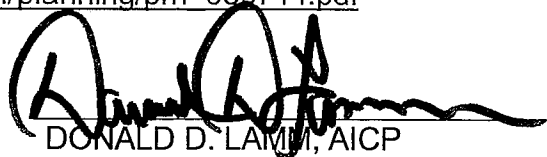
In addition, the Ordinance will establish criteria for appropriate vehicle parking configuration and location on residential driveways. Vehicles could not be parked at an angle, outside the driveway area within the front setback, or overhanging the public sidewalk. Unlike the new parking requirement for five-bedroom homes, these new vehicle parking configuration requirements are retroactive. Therefore, the configuration standards will apply to all existing and future single-family residential properties.

The following documents are available on the City's website:

- July 14, 2008, Planning Commission Report
<http://www.ci.costa-mesa.ca.us/council/planning/2008-07-14/071408R1Parking.pdf>
- July 14, 2008 Planning Commission Meeting Minutes
http://www.ci.costa-mesa.ca.us/council/planning/pm_080714.pdf



MINOO ASHABI, AIA
Senior Planner



DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

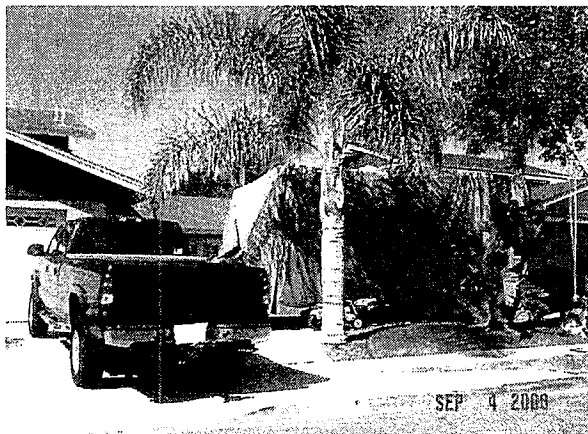
- Attachments: 1. Photos of current examples
2. Ordinance
3. August 25, 2008 Planning Meeting Minutes
4. August 25, 2008 Planning Commission Report

cc: City Manager
Assistant City Manager
City Attorney
City Clerk
Public Services Director
Transportation Manager

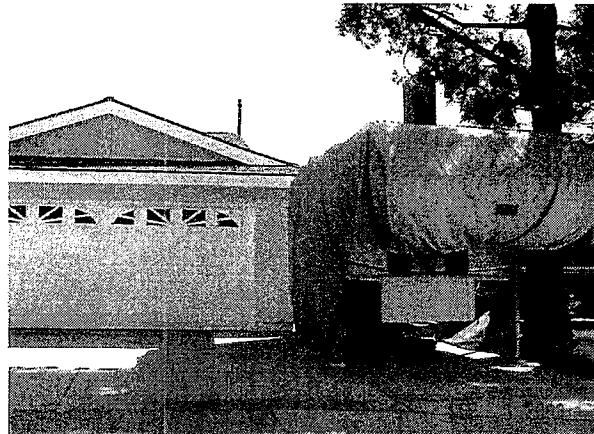
Chief of Code Enforcement
Staff (4)
File (2)

Property Maintenance Code Amendment

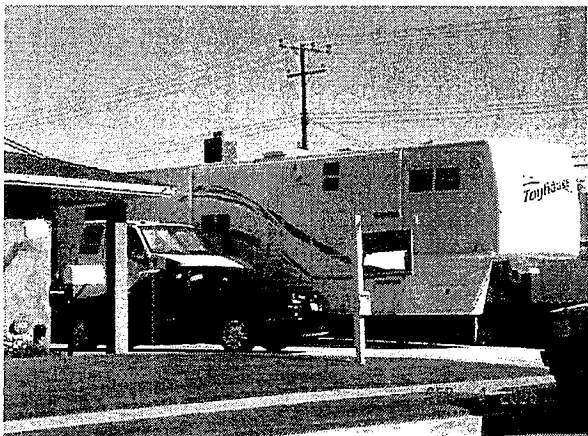
Examples of Existing Driveway Conditions



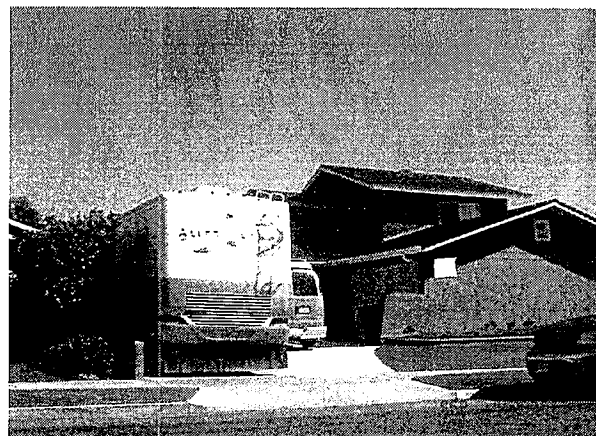
Oversized vehicle overhanging sidewalk



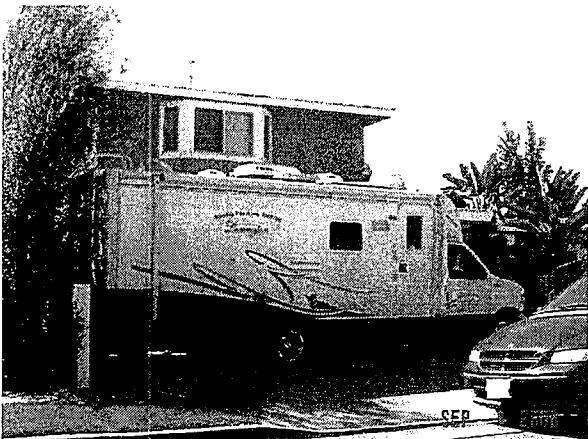
Extended paved area outside driveway within front yard



Oversized trailer parked on side yard



Oversized vehicle parked within side yard



Oversized vehicle parked within side yard blocking access to garage/driveway



Extended paved area within front yard

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA,
CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-08-
001, AMENDING TITLES 13 AND 20 OF THE COSTA MESA
MUNICIPAL CODE REGARDING OFF-STREET PARKING AND
FRONT YARD COVERAGE REQUIREMENTS IN RESIDENTIAL
ZONES

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1: TITLE 13 AND TITLE 20 CODE AMENDMENTS. Title 13 of the Costa Mesa
Municipal Code is hereby amended as follows:

- a. Amend Chapter I, Section 13-6, Definitions, by adding the following new definitions:

"Driveway, individual or private – For residential properties, exclusively the paved area leading to the garage/carport, not extending beyond the garage/carport unless curvilinear for necessary turning radius, and used for vehicle parking purposes to satisfy the off-street parking requirements." And

"Driveway, common – A paved area providing shared access to vehicles by serving two or more structures or adjacent property owners." And

"Paved Area – Ground surface covered with cobblestone, clay-fired bricks, concrete precast paver units, poured concrete with or without decorative surface materials, or asphaltic or rubber mixture which may include sand, stone, or gravel as an ingredient to create a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered paved area." And

"Tandem Parking – The placement of parking spaces one behind the other, so that the space nearest the driveway, alley, or street access serves as the only means of access to the other space. Tandem parking in a garage occurs where one vehicle is parked behind another vehicle."

- b. Amend Chapter II, Table 13-28(j)(1) as follows:

"(j) **Minor modification.** Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(j)(1).

(1)

TABLE 13-28(j)(1) MINOR MODIFICATION	
Standard	Deviation Range
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of 19 feet from the front property line.	20% or less
Decrease in required rear yard depth.	20% or less
Decrease in required side yard width.	20% or less
Increase in maximum fence/wall height.	33 1/3% or less

Decrease in 5-foot setback on street side for fences/walls in excess of 36 inches on corner lots in multi-family residential zones.	100% or less
Increase in depth of permitted projections into required yards.	20% or less
Decrease in minimum driveway width for two or more dwelling units.	to not less than 10 feet
Deviation in sign area, height, setbacks, separation and other sign specifications	10% or less
Decrease in required distance between main structures	20% or less
Decrease in required distance between accessory and main structures	20% or less
<u>Decrease in front yard coverage due to driveway area</u>	<u>10% or less</u>

c. Amend Chapter VI, Section 13-85, as follows:

“Sec. 13-85. PARKING REQUIRED

In the residential districts, the following minimum off-street parking spaces shall be provided. The parking spaces shall provide safe and adequate ingress and egress and shall be maintained in connection with the building or structure and use of land.

- (a) **Applicability.** The provisions of this section shall apply to all new residential development and new room additions in R1 zoning districts and Small-Lot, Detached, Single-Family Common Interest Developments and properties developed with a single family residence. Project that have obtained planning approval prior to [adoption date of this ordinance] are not subject to the new regulations.
- (b) **R1 zone and small-lot single-family common interest developments (excluding townhouses).** Off-street parking in the form of a garage and open parking shall be provided as follows:

TABLE 13-85 Off-Street Parking Standards for R1 and Small-Lot, Detached, Single-Family Common Interest Developments		
Single-Family Residence with 4 Bedrooms or Fewer		
Garage Parking Spaces	Open Parking Spaces ¹	Total Parking Spaces
2	Lots without garage access from alley: 2	4
	Lots with garage access from alley: 1	3
Single-Family Residence with 5 Bedrooms or More		
New Construction and Additions ²		
Garage Parking Spaces	Open Parking Spaces ¹	Total Parking Spaces ³
3	Lots without garage access from alley: 2	5

	Lots with garage access from alley: 1	4
<ol style="list-style-type: none"> 1. In R1 zones, required open parking may be provided in a garage or on a minimum 19-foot long, individual driveway leading to a garage. Any other area in the front and/or side yard building setback and outside of the individual driveway, including other paved or unpaved areas near or contiguous to the driveway, shall not be used for vehicle parking purposes. In common-interest developments, required open parking may be provided on an individual unit's driveway or within the common area. 2. These parking standards are applicable to new construction of single-family residences with five bedrooms or more and to existing residences increased to five bedrooms or more. 3. For single-family residences with five bedrooms or more, tandem parking of up to two standard vehicles is permitted in the garage. Tandem parking shall exclusively consist of two standard parking spaces. Tandem parking of two or more vehicles on an individual driveway does not satisfy the off-street parking requirements. 		

- (1) Required garage dimensions: Each garage space shall have interior dimensions that are a minimum 10 feet wide by 20 feet long, unobstructed inside measurements. Each residence shall have no more than 700 square feet of garage area unless authorized by a minor conditional use permit.
- (2) Application to an existing residence: The off-street parking requirements stated above for single-family residences with 4 bedrooms or fewer shall not be applied to an existing residence at the time the residence is increased in size, unless the number of bedrooms is increased to 5 or more bedrooms. The off-street parking requirements stated above for single-family residences with 5 bedrooms or more shall be applied to an existing residence with 5 or more bedrooms at the time additional bedrooms are added to the residence.
- (3) Minor Modifications:
 - a. With approval of a minor modification, the Planning Division may allow the retention of an existing driveway access from a street to satisfy open parking requirements, at such time that garage access is proposed from an abutting alley.
 - b. For single-family residences, minor additions resulting in five bedrooms or more and accounting for a maximum 10 percent of the total square footage of a residence (excluding the garage area) may also be considered for minor modifications to the off-street parking standards. See Table 13-28(j)(1), Minor Modification."
- d. Amend Chapter V, Table 13-32, Residential Development Standards in relevant part shown by excerpt below:

"Table 13-32 [excerpt only] Residential Development Standards				
STANDARDS	R1	R2-MD	R2-HD	R3
Front Setback	20 feet			
Front Yard Coverage (Maximum)	Paved Area: 50% of front yard area.* <u>*This requirement applies to new residences and existing residences requiring a building permit for an addition of any size.</u> <u>*Front yard area equals lot width, measured from side property line to side property line, multiplied by 20 feet. The 20-foot depth shall be measured from the front property line.</u> <u>*Exception: Cul-de-sac residential lots and existing single-family residences with five bedrooms or more are exempt from the front yard coverage requirement." [... Table 13-32 follows unchanged thereafter.]"</u>			

- e. Amend Section 4 of Table of Title 20, Property Maintenance Code in relevant part as shown below:

[...begin excerpt of Table 20-6(c)] TABLE 20-6(c) VEHICLE STORAGE AND PARKING REGULATIONS						
	RESIDENTIAL ZONES AND RESIDENTIALLY- DEVELOPED PROPERTY			NONRESIDENTIAL ZONES (EXCLUDING RESIDENTIALLY- DEVELOPED PROPERTY)		
Parking and Storage Options	Vehicle and Recreational Vehicles	Inoperative Vehicles	Wrecked or dismantled vehicles, or part thereof	Vehicle and Recreational Vehicles	Inoperative Vehicles	Wrecked or dismantled vehicles, or part thereof
<p>4. Other residential storage options. Stored or parked on a paved area that meets criteria a. and b. below:</p> <p>a. A paved area that is not within required building setback area <u>including the front and side yard setback areas</u>, abutting a public street, excluding alleys; and,</p> <p>b. Screened by a 6-foot high permanent, solid, opaque fence or wall. The fence or wall shall be constructed and maintained in accordance with applicable development standards for fences and walls contained in the City of Costa Mesa Zoning Code. A building may also serve to screen the storage area.</p>	P ¹	P ¹	P ¹	Not applicable	Not applicable	Not applicable
<p>c. The exception to subparagraph a. and b. above is that a vehicle may be stored or parked on a paved driveway connecting a garage or carport with a public or private street, <u>provided that the vehicle is stored or parked on the driveway directly in line with the vehicle access to the garage.</u></p> <p>d. <u>Any other area in the front yard and/or side yard setback and outside the individual driveways including other paved or unpaved areas near or contiguous to the driveway shall not be used for vehicle parking purposes. No vehicle shall be stored or parked on the driveway in such a manner that it overhangs the required front and or/side yard building setback area regardless if the setback area is paved or unpaved</u></p> <p>e. <u>Provisions of sections 4(a), through 4(d) are applicable to all residential properties and subject to abatement procedures as described in Section 20-12 of Title 20 of Municipal Code. [... Table 20-6(c) follows unchanged thereafter.]</u></p>	P ¹	P ^{1,2}	.			

SECTION 2: ENVIRONMENTAL DETERMINATION. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment..

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2008.

ERIC BEVER
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

STATE OF CALIFORNIA))ss
COUNTY OF ORANGE)

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 08-___ as introduced and considered section by section at a regular meeting of said City Council held on the ___ day of ___, 2008, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ___ day of ___, 2008, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of
Costa Mesa this ____ day of _____, 2008.

City Clerk
City Council of the City of Costa Mesa

08-25-08 PC Minute Excerpt for CO-08-001 - Unofficial Until Approved

4. Zoning Code Amendment CO-08-001 for an ordinance to amend Chapters III, V, and VI of Title 13 of the Costa Mesa Municipal Code related to the R1 Single Family District, including:

* Off-street parking requirements for new single family residences and room additions with five or more bedrooms;

* Establishing criteria for minor modifications related to off-street parking requirements; and

* Establishing minimum front yard landscape and maximum hardscape requirements.

Environmental determination: exempt.

Senior Planner Minoo Ashabi reviewed the information in the staff report, noting the four (4) recommended changes to Alternative 4. Ms. Ashabi responded to questions from the Commission regarding the Minor Modification Table and the decreased number of garage spaces; and a 10% minor addition.

Beth Refakes, Costa Mesa, discussed Eastside mansionization, and said she was glad the off-street parking standards are being reviewed and hopes this will improve the parking situation.

MOTION: Recommend that City Council give first reading of the ordinance by minute order, with the following modifications:

1. Delete minor modification (3)b. on handwritten Page 4.
2. Direct staff to add additional language to Title 20 related to location and direction of parking on residential driveways to prohibit perpendicular parking in front of two garage spaces and parking on side yard setbacks in the front yard.
3. Delete the second to the last standard listed on the Minor Modification Table 13-28(j)(1) on handwritten Page 8 and modify the footnote below same table.

Moved by Commissioner James Righeimer, seconded by Vice Chair James Fisler.

During discussion on the motion, Commissioner Egan suggested limiting the total square footage in Minor Modification (3)b. on Page 4.

The Chair said he opposed the motion noting homeowners cannot ask for a minor modification; Commissioner Righeimer mentioned that the fifth bedroom is the trigger for the parking requirements; and Vice Chair Fisler gave his support for the motion stating the whole issue is the fifth bedroom and applicants can ask

the Planning Commission for a minor modification. Commissioner Righeimer added that as recommended, staff can approve a minor modification.

Planning Commission Secretary Kimberly Brandt noted for technical consistency, deletion of Minor Modification (3)b. on Page 4 was necessary in addition to the deletion of the second to the last row on Table 13-28(j)(1) on Page 8.

The motion carried by the following roll call vote:

Ayes: Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: Chair Donn Hall

Absent: None.

Ms. Brandt confirmed with Commissioner Egan that the footnote below Table 13-28(j)(1) would be changed as well. She also mentioned that this ordinance would be going forward to the City Council meeting of September 16, 2008.



PLANNING COMMISSION

AGENDA REPORT

VI.4

MEETING DATE: AUGUST 25, 2008

ITEM NUMBER

**SUBJECT: ZONING CODE AMENDMENT CO-08-001: OFF-STREET PARKING
STANDARDS FOR SINGLE FAMILY RESIDENCES WITH FIVE OR MORE
BEDROOMS**

DATE: AUGUST 13, 2008

**FOR FURTHER INFORMATION
CONTACT:**

**MINOO ASHABI, AIA, SENIOR PLANNER
(714) 754-5610**


DESCRIPTION

The proposed ordinance amends Title 13 of the Costa Mesa Municipal Code with respect to off-street parking standards for single family residences with five or more bedrooms within R1 zoning district. In addition, the ordinance will establish criteria for minor modifications and limitations on paved areas in the front yard.

RECOMMENDATION

Recommend that City Council give first reading to the ordinance by minute order.


MINOO ASHABI, AIA
Senior Planner


KIMBERLY BRANDT AICP
Asst. Development Svs. Director

BACKGROUND:

On April 3, 2008, staff provided Commission a brief analysis and potential options for an increase in the number of parking spaces. Commission recommended that City Council authorize staff for additional time to prepare an in depth analysis.

On May 6, 2008, the Council directed staff to prepare Zoning Code amendment alternatives for consideration by the Planning Commission. Council expressed concern with requiring three-car garages for residences with five or more bedrooms and noted needed clarification on parking requirements, including nonconforming residences regardless of the number of bedrooms.

On July 14, 2008, staff prepared four alternatives for consideration of the Commission as follows:

- Alternative 1 – Current Code (No Change) Alternative
- Alternative 2 – Three-Car Garage/ Three-Open Spaces Alternative
- Alternative 3 – One Additional Parking Space Alternative
- Alternative 4 – Separate Parking Requirements Alternative

Commission was generally in support of establishing the threshold of five bedrooms for requiring additional parking. Furthermore, Commission was supportive of requiring one additional garage space and the tandem garage option. Since four alternatives were presented, the Commission concurred on Alternative Four with minor modifications and directed staff to further study this alternative requiring a three car garage for new construction and room additions.

To address potential requests for deviations from the parking standards, the Commission also asked staff to make changes related to minor modifications and variances.

ANALYSIS:

Code Amendment CO-08-001

The Planning Commission modified Alternative 4 to require a three-car garage for new five bedroom or larger homes and existing home with additions resulting in five or more bedrooms. As directed by Commission, this alternative allows tandem parking for garage spaces; however, tandem parking on a driveway would not be counted toward compliance with the parking standards.

The ordinance involves the following changes to the Zoning Code:

(1) Chapter I, Section 13-6, Definitions – The Code amendment involves the following new definitions:

- **Driveway, individual or private** – For residential properties, exclusively the paved area leading to the garage/carport, not extending beyond the garage/carport unless curvilinear for necessary turning radius, and used for vehicle parking purposes to satisfy the off-street parking requirements.
- **Driveway, common** – A paved area providing shared access to vehicles by serving two or more structures or adjacent property owners.

- **Paved Area** – Ground surface covered with cobblestone, clay-fired bricks, concrete precast paver units, poured concrete with or without decorative surface materials, or asphaltic or rubber mixture which may include sand, stone, or gravel as an ingredient to create a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered paved area.
- **Tandem Parking** – The placement of parking spaces one behind the other, so that the space nearest the driveway, alley, or street access serves as the only means of access to the other space. Tandem parking in a garage occurs where one vehicle is parked behind another vehicle.

(2) **Chapter VI, Section 13-85, Parking Required** – The following code amendment will establish off-street parking requirements for residential development with five or more bedrooms.

TABLE 13-85 Off-Street Parking Standards for R1 and Small-Lot, Detached, Single-Family Common Interest Developments		
Single-Family Residence with 4 Bedrooms or Fewer		
Garage Parking Spaces	Open Parking Spaces ¹	Total Parking Spaces
2	Lots without garage access from alley: 2	4
	Lots with garage access from alley: 1	3
Single-Family Residence with 5 Bedrooms or More		
New Construction and Additions ²		
Garage Parking Spaces	Open Parking Spaces ¹	Total Parking Spaces ³
3	Lots without garage access from alley: 2	5
	Lots with garage access from alley: 1	4
<ol style="list-style-type: none"> 1. In R1 zones, required open parking may be provided in a garage or on a minimum 19-foot long, individual driveway leading to a garage. Any other area in the front setback and outside of the individual driveway, including other paved areas near or contiguous to the driveway, shall not be used for vehicle parking purposes. In common-interest developments, required open parking may be provided on an individual unit's driveway or within the common area. 2. These parking standards are applicable to new construction of single-family residences with five bedrooms or more and to existing residences increased to five bedrooms or more. 3. For single-family residences with five bedrooms or more, tandem parking of up to two standard vehicles is permitted in the garage. Tandem parking shall exclusively consist of two standard parking spaces. Tandem parking of two or more vehicles on an individual driveway does not satisfy the off-street parking requirements. 		

- (1) Required garage dimensions: Each garage space shall have interior dimensions that are a minimum 10 feet wide by 20 feet long, unobstructed inside measurements. Each residence shall have no more than 700 square feet of garage area unless authorized by a minor conditional use permit.
- (2) Application to an existing residence: The off-street parking requirements stated above for single-family residences with 4 bedrooms or fewer shall not be applied to an existing residence at the time the residence is increased in size, unless the number of bedrooms is increased to 5 or more bedrooms. The off-street parking requirements stated above for single-family residences with 5 bedrooms or more shall be applied to an existing residence with 5 or more bedrooms at the time additional bedrooms are added to the residence.
- (3) Minor Modifications.
 - a. With approval of a minor modification, the Planning Division may allow the retention of an existing driveway access from a street to satisfy open parking requirements, at such time that garage access is proposed from an abutting alley.
 - b. For single-family residences, minor additions resulting in five bedrooms or more and accounting for a maximum 10 percent of the total square footage of a residence (excluding the garage area) may also be considered for minor modifications to the off-street parking standards. See Table 13-28(j)(1), Minor Modification.

- (3) **Chapter V, Table 13-32, Residential Development Standards** – The following Code amendment will establish a standard for maximum front yard coverage to ensure that paved areas are limited. This Code amendment addresses the Commission's concerns regarding driveways and paved areas dominating the front yard and eliminating landscaping.

Table 13-32 [excerpt only] Residential Development Standards				
STANDARDS	R1	R2-MD	R2-HD	R3
Front Setback	20 feet			
Front Yard Coverage (Maximum)	Paved Area: 50% of front yard area.* *This requirement applies to new residences and existing residences requiring a building permits for an addition of any size. *Front yard area equals lot width, measured from side property line to side property line, multiplied by 20 feet. The 20-foot depth shall be measured from the front property line. *Exception: Cul-de-sac residential lots and existing single-family residences with five bedrooms or more are exempt from the front yard coverage requirement.			

- (4) **Chapter III, Section 13-28 (j), Minor Modifications** – The following Code amendment will establish the criteria for approving deviations from the off-street parking standards by minor modification. The minor modification would provide relief from the zoning regulations for minor room additions to single-family residences resulting in five bedrooms or more.

Staff is defining "minor additions" as consisting of a maximum 10 percent of the total square footage of the remodeled structure, excluding the garage area. For example, a 10 percent (or 250 square-foot) addition to a 2,500 square-foot residence with five bedrooms with an existing substandard two-car garage would be able to request a minor modification.

TABLE 13-28(j)(1) Minor Modification	
Standard	Deviation Range
<ul style="list-style-type: none"> Decrease in required number of garage spaces* 	To not less than two garage spaces
<ul style="list-style-type: none"> Decrease in front yard coverage due to driveway area* 	10% or less

**The deviation applies only to additions to an existing single-family residence, where the remodeled residence is increased to five or more bedroom, and the addition accounts for a maximum 10 percent or less of the new total building square footage (excluding garage area).*

Variance Process

Staff is recommending deviation requests that result in more than 10% added floor area with substandard garages be considered by the Planning Commission. This process would allow Commission to review variance requests on a case-by-case basis.

Existing Homes with Additions versus New Construction

Staff intends that the Code amendment be applicable to new construction and major additions resulting in residences increased to five bedrooms or more. In other words, the following existing conditions would not be subject to these new off-street parking requirements:

- Existing, nonconforming residences (regardless of bedroom count) that are nonconforming with the current parking standards or become nonconforming as a result of a new code amendment.
- Existing residences with additions which do not increase the number of bedrooms to five bedrooms or more. In other words, if an existing five-bedroom home is increased in size by creating larger rooms but not by adding new bedrooms, this project is not subject to the three-car garage requirement.

Public Information

To provide an easy to understand update to the public, staff will also prepare a Frequently Asked Questions (FAQs) sheet, once the Ordinance is adopted.

ALTERNATIVES CONSIDERED:

Planning Commission may choose one of the following recommendations to City Council by minute order:

1. Give first reading to the Ordinance as recommended by staff.
2. Give first reading to the Ordinance, with any modifications.
3. Receive/file Ordinance and retain the City's existing zoning provisions.

ENVIRONMENTAL DETERMINATION:

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 9b) (30 (general rule) of the CEQA Guidelines.

CONCLUSION:

If approved, the amendment will introduce a new ordinance amending Title 13 of the Costa Mesa Municipal Code with respect to off-street parking standards for single family residences with five or more bedrooms (new construction and major additions). In addition, the ordinance will establish criteria for minor modifications to provide zoning relief for existing structures undergoing minor additions.

The following documents are available on the City's website:

- July 14, 2008, Planning Commission Report
<http://www.ci.costa-mesa.ca.us/council/planning/2008-07-14/071408R1Parking.pdf>
- July 14, 2008 Planning Commission Meeting Minutes
http://www.ci.costa-mesa.ca.us/council/planning/pm_080714.pdf

Attachments: 1 – Draft Ordinance

Distribution: Assistant City Attorney
Deputy City Manager- Dev. Svs. Director
Public Services Director
City Engineer
Staff (4)
File (2)

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA,
CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-08-
001, WHICH AMENDS TITLE 13 OF THE COSTA MESA
MUNICIPAL CODE REGARDING REQUIRED OFF-STREET
PARKING FOR FIVE OR MORE BEDROOMS HOMES,
MINIMUM LANDSCAPE AND MAXIMUM HARDSCAPE AND
MINOR MODIFICATION CRITERION

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1: CODE AMENDMENT. Title 13 of the Costa Mesa Municipal Code is hereby
amended as follows:

- a. Amend Chapter I, Section 13-6, Definitions, by adding the following new definitions:

"Driveway, individual or private – For residential properties, exclusively the paved area leading to the garage/carport, not extending beyond the garage/carport unless curvilinear for necessary turning radius, and used for vehicle parking purposes to satisfy the off-street parking requirements." And

"Driveway, common – A paved area providing shared access to vehicles by serving two or more structures or adjacent property owners." And

"Paved Area – Ground surface covered with cobblestone, clay-fired bricks, concrete precast paver units, poured concrete with or without decorative surface materials, or asphaltic or rubber mixture which may include sand, stone, or gravel as an ingredient to create a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered paved area." And

"Tandem Parking – The placement of parking spaces one behind the other, so that the space nearest the driveway, alley, or street access serves as the only means of access to the other space. Tandem parking in a garage occurs where one vehicle is parked behind another vehicle."

- b. Amend Chapter II, Table 13-28(j)(1) as follows:

- “(j) **Minor modification.** Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(j)(1).
(1)

TABLE 13-28(j)(1) MINOR MODIFICATION	
Standard	Deviation Range
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of 19 feet from the front property line.	20% or less
Decrease in required rear yard depth.	20% or less
Decrease in required side yard width.	20% or less
Increase in maximum fence/wall height.	33 1/3% or less
Decrease in 5-foot setback on street side for fences/walls in excess of 36 inches on corner lots in multi-family residential zones.	100% or less
Increase in depth of permitted projections into required yards.	20% or less
Decrease in minimum driveway width for two or more dwelling units.	to not less than 10 feet
Deviation in sign area, height, setbacks, separation and other sign specifications	10% or less
Decrease in required distance between main structures	20% or less
Decrease in required distance between accessory and main structures	20% or less
Decrease in required number of garage spaces*	To not less than two garage spaces
Decrease in front yard coverage due to driveway area*	10% or less

*The deviation applies only to additions to an existing single-family residence, where the remodeled residence is increased to five or more bedroom, and the addition accounts for a maximum 10 percent or less of the new total building square footage (excluding garage area)."

c. Amend Chapter VI, Section 13-85, as follows:

“Sec. 13-85. PARKING REQUIRED

In the residential districts, the following minimum off-street parking spaces shall be provided. The parking spaces shall provide safe and adequate ingress and egress and shall be maintained in connection with the building or structure and use of land.

- (a) **R1 zone and small-lot single-family common interest developments (excluding townhouses).**
At the time of the construction of a residence, off-street parking in the form of a garage and open parking shall be provided as follows:

TABLE 13-85 Off-Street Parking Standards for R1 and Small-Lot, Detached, Single-Family Common Interest Developments		
Single-Family Residence with 4 Bedrooms or Fewer		
Garage Parking Spaces	Open Parking Spaces ¹	Total Parking Spaces
2	Lots without garage access from alley: 2	4
	Lots with garage access from alley: 1	3
Single-Family Residence with 5 Bedrooms or More		
New Construction and Additions ²		
Garage Parking Spaces	Open Parking Spaces ¹	Total Parking Spaces ³
3	Lots without garage access from alley: 2	5
	Lots with garage access from alley: 1	4
<p>1. In R1 zones, required open parking may be provided in a garage or on a minimum 19-foot long, individual driveway leading to a garage. Any other area in the front setback and outside of the individual driveway, including other paved areas near or contiguous to the driveway, shall not be used for vehicle parking purposes. In common-interest developments, required open parking may be provided on an individual unit's driveway or within the common area.</p> <p>2. These parking standards are applicable to new construction of single-family residences with five bedrooms or more and to existing residences increased to five bedrooms or more.</p> <p>2.3. For single-family residences with five bedrooms or more, tandem parking of up to two standard vehicles is permitted in the garage. Tandem parking shall exclusively consist of two standard parking spaces. Tandem parking of two or more vehicles on an individual driveway does not satisfy the off-street parking requirements.</p>		

- (1) Required garage dimensions: Each garage space shall have interior dimensions that are a minimum 10 feet wide by 20 feet long, unobstructed inside measurements. Each residence shall have no more than 700 square feet of garage area unless authorized by a minor conditional use permit.
- (2) Application to an existing residence: ~~The off-street parking requirements stated above shall not be applied to an existing residence at the time the residence is increased in size and/or the number of bedrooms is increased.~~ The off-street parking requirements stated above for single-family residences with 4 bedrooms or fewer shall not be applied to an existing residence at the time the residence is increased in size, unless the number of bedrooms is increased to 5 or more bedrooms. The off-street parking requirements stated above for single-family residences with 5 bedrooms or more shall be applied to an existing residence with 5 or more bedrooms at the time additional bedrooms are added to the residence.
- (3) Minor Modifications:
- With approval of a minor modification, the Planning Division may allow the retention of an existing driveway access from a street to satisfy open parking requirements, at such time that garage access is proposed from an abutting alley.
 - For single-family residences, minor additions resulting in five bedrooms or more and accounting for a maximum 10 percent of the total square footage of a residence (excluding the garage area)

may also be considered for minor modifications to the off-street parking standards. See Table 13-28(j)(1), Minor Modification.”

d. Amend Chapter V, Table 13-32, Residential Development Standards, as follows:

“Table 13-32 [excerpt only] Residential Development Standards				
STANDARDS	R1	R2-MD	R2-HD	R3
Front Setback	20 feet			
Front Yard Coverage (Maximum)	<p>Paved Area: 50% of front yard area.*</p> <p>*This requirement applies to new residences and existing residences requiring a building permits for an addition of any size.</p> <p>*Front yard area equals lot width, measured from side property line to side property line, multiplied by 20 feet. The 20-foot depth shall be measured from the front property line.</p> <p>*Exception: Cul-de-sac residential lots and existing single-family residences with five bedrooms or more are exempt from the front yard coverage requirement.”</p>			

SECTION 2: ENVIRONMENTAL DETERMINATION. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City’s environmental procedures, and has been found to be exempt pursuant to Section 15061 9b) (30 (general rule) of the CEQA Guidelines.

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2008.

ERIC BEVER
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

STATE OF CALIFORNIA))ss
COUNTY OF ORANGE)

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 08-___ as introduced and considered section by section at a regular meeting of said City Council held on the ___ day of _____, 2008, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ___ day of _____, 2008, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2008.

City Clerk
City Council of the City of Costa Mesa